

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BECKY PINKSTON-POLING,

Plaintiff,

v.

Case No. 1:15-CV-1208

ADVIA CREDIT UNION,

HON. GORDON J. QUIST

Defendant.

**ORDER SETTING ORAL ARGUMENT, GRANTING
DEFENDANT'S MOTION FOR STAY OF DISCOVERY,
AND PERMITTING BRIEFS ADDRESSING PLAINTIFF'S
SUPPLEMENTAL AUTHORITY**

Plaintiff filed her complaint in this case against Defendant on November 19, 2015, alleging claims for breach of contract, violation of the Michigan Consumer Protection Act (MCPA), M.C.L. § 445.901 *et seq.*, unjust enrichment, money had and received, negligence, and violation of the Electronic Funds Transfer Act (codified as amended at 15 U.S.C. § 1601 *et seq.*). Each claim was based on Plaintiff's allegation that Defendant breached its agreement with Plaintiff governing Defendant's overdraft program by charging Plaintiff overdraft fees when there was money in her account to pay the item. Defendant moved to dismiss the complaint on December 21, 2015. Plaintiff failed to file a timely response, but on February 18, 2016, the parties stipulated to an order granting Plaintiff leave to file an amended complaint alleging only the breach of contract and violation of the Electronic Funds Transfer Act claims. Thereafter, Plaintiff filed her amended complaint, and Defendant filed a motion to dismiss, which is now fully briefed.

In addition, following the conclusion of briefing on the motion to dismiss, Plaintiff submitted additional cases for the Court's consideration. Defendant objects to Plaintiff's notices of

supplemental authority as unauthorized additional briefing. Finally, Defendant has filed a motion to stay discovery pending a decision on Defendant's motion to dismiss.

In light of the foregoing,

- A. Because the parties request oral argument, the Court will hear oral argument on **October 3, 2016 at 11:00 A.M.** on Defendant's motion to dismiss (ECF No. 12);
- B. Defendant's Motion for Stay of Discovery Pending Disposition of Defendant's Motion to Dismiss (ECF No. 24) is **GRANTED**.
- C. Defendant's Objection to Plaintiff's Notice of New Authority (ECF No. 22) is **OVERRULED**. However, each party may file a brief limited to **five (5) pages** addressing the cases cited in Plaintiff's Notices (ECF Nos. 21, 26) by **September 23, 2016**.

IT IS SO ORDERED.

Dated: September 2, 2016

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE